

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

VANTAGE FINANCIAL SERVICES, INC.  
Plaintiff,

v.

NONPROFIT SERVICE GROUP AND  
GEORGE E. MILLER,  
Defendants.

C.A. No. 04-11686-WGY

**PLAINTIFF'S MOTION TO RECONSIDER, IN PART, ORDER ON PLAINTIFF'S  
MOTION TO EXTEND TIME FOR FILING OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED. R. CIV. P. 56(f)**

The plaintiff, Vantage Financial Services, Inc. ("Vantage"), hereby moves for reconsideration, in part, of this Court's Order of October 4, 2005 on Plaintiff's Motion to Extend Time for Filing Opposition to Defendants' Motion for Summary Judgment. (A copy of the Order is Attached as Exhibit A.) Specifically, Vantage requests that it be allotted the full 14 days provided by the Local Rules of the United States District Court for the District of Massachusetts to file its opposition to Defendants' Motion for Summary Judgment. In support of this motion, Vantage States as follows:

1. Defendants' filed their Motion for Summary Judgment on September 28, 2005. In addition to the Motion, supporting memorandum and Rule 56.1 Statement, Defendants' summary judgment papers include approximately 500 pages of additional supporting materials.

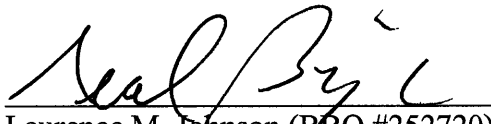
2. Since filing their motion, Defendants supplemented their motion with an affidavit and a substitute exhibit on September 29, 2005 and September 30, 2005, respectively.

3. By order of the Court, Vantage's opposition to the summary judgment motion is presently due on October 5, 2005. While the Local Rules provide 14 days to respond to such a

motion, this schedule provides Vantage with only seven (7) days. Included within these seven (7) days are the Jewish Holiday of Rosh Hashanah, which began at sunset Monday and concludes on October 5, 2005. Laurence M. Johnson, lead counsel for Vantage, is of the Jewish faith and should not be forced to choose between his faith observances and performing his professional responsibilities.

WHEREFORE, Vantage respectfully request that the Court reconsider its Order of October 3, 2005 and extend the time for Vantage to respond to Defendants' Summary Judgment Motion to October 12, 2005, 14 days after Defendants' filing of said motion.

**VANTAGE FINANCIAL SERVICES, INC.,**  
By its Attorneys,

A handwritten signature in black ink, appearing to read "Neal Bingham", is written over a horizontal line.

Laurence M. Johnson (BBO #252720)  
Neal J. Bingham (BBO #652029)  
Davis, Malm & D'Agostine  
One Boston Place  
Boston, MA 02108  
(617) 367-2500

Dated: October 4, 2005

## **EXHIBIT A**

**Neal Bingham**

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**From:** ECFnotice@mad.uscourts.gov  
**Sent:** Tuesday, October 04, 2005 10:12 AM  
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**Subject:** Activity in Case 1:04-cv-11686-WGY Vantage Financial Services, Inc. v. Nonprofit Service Group et al "Order on Motion for Extension of Time to File"

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**United States District Court****District of Massachusetts**

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**Case Name:** Vantage Financial Services, Inc. v. Nonprofit Service Group et al

**Case Number:** 1:04-cv-11686

**Filer:**

**Document Number:**

**Docket Text:**

Judge William G. Young : ElectronicORDER entered denying [31] Motion for Extension of Time to File "Motion denied without prejudice to raising the issues that implicate Fed. R.Civ. P.56(f) at the oral hearing." cc/cl (Smith, Bonnie)

The following document(s) are associated with this transaction:

**1:04-cv-11686 Notice will be electronically mailed to:**

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